

07/30/2004 FRI 14:16 FAX 215 766 2920 TPL

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PTO/SB/07 (08-03)

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on JULY 30, 2004
Date



Signature

PATTI HESPELL

Typed or printed name of person signing Certificate

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1. 37 CFR 1.28(c) Notification (2 pgs.)
2. Fee Transmittal in duplication (2 pgs.)
3. Certificate of Transmission (1 pg.)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T21-18

PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 731.00)

Complete if Known

Application Number	09/766,004
Filing Date	19 JAN 2001
First Named Inventor	SCHLACK
Examiner Name	DEMICCO, MATTHEW
Art Unit	2611
Attorney Docket No.	T721-21

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																														
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 501535 Deposit Account Name: EXPANSE NETWORKS, INC.				3. ADDITIONAL FEES Large Entity Small Entity <table border="1"> <thead> <tr> <th>Fee Code (\$)</th> <th>Fee (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25 Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130 Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520 For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920* Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840* Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55 Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210 Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475 Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740 Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005 Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165 Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145 Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510 Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55 Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665 Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665 Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240 Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320 Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130 Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50 Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180 Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40 Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385 Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385 For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385 Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900 Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify) 37CFR 1.28(c) Notification</td><td>731.00</td></tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$ 731.00)</td> </tr> </tbody> </table>				Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid	1051	130	2051	65 Surcharge - 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**or number previously paid, if greater. For Reissues, see above																																																																																																																																																																		

(Complete if applicable)

Name (Print/Type)	Douglas J. Ryder	Registration No. (Attorney/Agent)	43,073	Telephone	215-766-2100
Signature	<i>Douglas J. Ryder</i>				
Date	07/30/04				

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CERTIFICATE OF TRANSMISSION/MAILING (37 CFR 1.8)

PATENT

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Date: July 30, 2004

Patti Haspell
Patti Haspell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION/SERIAL NUMBER	FILING DATE	EXAMINER'S NAME
09/742,534	21 DEC 2000	T721-18
FIRST NAMED INVENTOR	ART UNIT	
ELDERING	2611	
QUEUE BASED HEAD-END ADVERTISEMENT SCHEDULING METHOD AND APPARATUS		EXAMINER SHELEHEDA, JAMES R

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)
AS A SMALL ENTITY (37 CFR 1.28(c))

The above noted patent application was filed and prosecuted as a small entity. While the assignee of the patent application is and has always been a small entity (Expanse Networks, Inc is the current assignee of the complete interest), a license was granted to Next Level Communications, Inc for the period of time from December 15, 1999 to January 15, 2002. Applicants erroneously believed that the patent application was still entitled to small entity status during this time frame. Applicant has recently discovered that the license to Next Level Communications, Inc. (possibly a large entity for at least a portion of this time) may have affected their small entity status during this time frame.

Accordingly, Applicant has diligently gathered data related to fees paid as a small entity during the term of the license. The table on the next page summarizes for each applicable action (item and date) the fees paid as a small entity, the current large entity fee, and the current amount owed as a result of small entity payment error.

The above noted patent application is currently entitled to small entity status.

Item	Date	Small Entity Fee Paid	Current Large Entity Fee	Amount to be Paid
Utility Application Filing Fee	12/21/00	\$355	\$770	\$415
Additional Claim Fees (30 Claims)	12/21/00	\$270	\$540	\$270
Additional Ind. Claim Fees (1 Claim)	12/21/00	\$40	\$86	\$46
TOTAL				\$731

Please charge the above noted fees to Deposit Account 501535.

Respectfully submitted,

Date: July 30, 2004

Douglas J. Ryder, Esquire
Reg. No. 43,073

Expanse Networks, Inc.
6206 Kellers Church Road
Pipersville, PA 18947
Phone: (215) 766-2100
Fax: (215) 766-2920